

CIRCUIT COURT
NOW IN SESSIONLargest Docket That Has Been on
For Some Time—Important
Cases.

The December term of Circuit Court that was postponed by Judge Benton from December 7th, to January 4th, convened Monday morning with Judge Benton on the bench. Very little was done at the first session as most of the cases called answered not ready.

Lizzie Dillard, a colored damsel, was given one year in the penitentiary for grand larceny. Doc Berryman and Sherman Palmer were each fined \$20.00 for disturbing religious worshippers. After disposing of these two cases court then adjourned until Tuesday morning at 9 o'clock.

The docket for this term is the largest one that has been on here for some time and includes some very important cases.

The following is the docket for this term:

January 5.
George Kitchen, maliciously shooting.
Henrietta Congleton, petit larceny.
Dillard King and others, disturbing religious worshippers.
Gilbert Berryman, maliciously cutting.
Everet Carter, house breaking.
C. & O. Railroad Company No. 1, nuisance.
C. & O. Railroad Company, No. 2, nuisance.
Sam Jett, selling liquor to a minor.
Joe Jones, bribery.
G. D. Meunillon, bribery.
Robert Bush, turkey stealing.

January 6.
Nannie Johnson, murder.
January 7.
Fox Furnace Company, vs. G. N. Wassobber.

I. W. King Lumber Company vs. Seabee Williams Spoke Company.
W. D. Jackson, administrator vs. R. D. Seabee.
B. F. French vs. D. T. Combs.
Louisa Faulconer vs. Thomas Tuttle.

January 8.
Austin Miller, administrator vs. L. & N. Railroad Company.
Charles J. Faulkner vs. L. & N. Railroad Company.
P. B. White vs. L. & N. Railroad Company.
W. E. Little vs. L. & N. Railroad Company.
W. G. Biser vs. W. M. Anderson.

January 9.
W. A. Young vs. B. F. French.
January 11.
A. Feld vs. Abram Efron.
Ford Lumber Company vs. L. & N. Railroad Company.

January 13.
Broadhead Garrett Company vs. A. A. Allan.
D. S. Gay vs. R. B. Hutchcraft.
D. S. Gay vs. R. B. Hutchcraft.
D. S. Gay vs. Fred Brant & Company.

January 14.
Hurst Home Insurance Company vs. L. & E. Railroad Company.
Mary Bloomfield vs. Eldred Dugerson.

January 15.
L. K. Blackwell vs. City of Winchester.
Page Woven Wire Fence Company vs. Lowrey and Company.

January 16.
W. Z. Eubanks vs. William Huls.
Leonard Robertson vs. R. S. Spillman.

January 18.
Laura Ewing vs. W. R. Ewing.
F. L. Burns vs. Clark County Construction Company.

January 19.
J. R. Henry vs. Spencer Distillery Company.
F. H. Haggard vs. Will Tucker.

January 20.
Millard Dennis vs. L. & E. Railroad Company.
Emma Blackwell vs. City of Winchester.

January 21.
Charlie Craig vs. C. & O. Railroad Company.
W. D. Milam vs. Vie Bloomfield.

January 22.
J. M. Stevenson vs. J. G. Lockname.
P. A. Haggard vs. I. D. Gravitt.

January 23.
H. F. Glass vs. City of Winchester.
Rodney Ragland vs. B. F. Tapp.
Frank Coleman vs. City of Winchester.

January 24.
D. W. Tobin vs. C. B. Ecton.

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AUTOMOBILE
ACCIDENTFour People Have Narrow Escape
From Death in Madison
County.

What came near being a fatal accident occurred Sunday afternoon when a six cylinder, forty horse power "Gearless" automobile left the turnpike at the top of a Kentucky river cliff, in Madison county, and rolled down a steep incline, being stopped by a huge boulder which happened to be in its path.

Those in the car who sustained injuries were:
Howard Bellow, Peerless Manufacturing Company, of Louisville, arm broken.

Miss May Boswell, Fayette Park, Lexington, broken leg and bruised.

Norvin Green, Louisville, broken rib and possibly internal injuries.

Fred S. Breyfogle, Louisville, bruises and back wrenched.

J. E. Kempt, Louisville, bruises.

Miss Boswell's Narrow Escape.

The narrow escape of Miss Boswell from instantaneous death is considered miraculous, as she never left the automobile in its fall, and when it finally stopped, she was caught under the machine and pinned there helpless until assistance arrived.

The fact that no one in the party was killed is little short of a miracle. Dr. Barrow, of Lexington, was called for. The surgeon's party left Lexington at 4:30 o'clock. They arrived at the scene of the accident about 5 o'clock.

According to the story told to a reporter by several members of the surgeon's party, the accident happened while the automobile party was making a return trip to this city from Richmond, where they had gone earlier in the day.

They neared the steep hill leading to the river at a rapid gate. Just before the hill is reached there is a "V" curve in the road, and it was in making this turn that the mishap occurred.

Not Familiar With Road.

Norvin Green, who was at the wheel, was not familiar with the road and approached the curve too rapidly. He tried to make the turn, but the car left the road and toppled over the bluff. The men in the party, it is said, jumped, but Miss Boswell remained in her seat.

The auto turned over several times during its frightful fall and finally brought up, smashed to smithereens, against the boulder.

Miss Boswell was caught under the wreck. Mr. Breyfogle and his companions, as soon as they had recovered sufficiently, extricated Miss Boswell from the machine.

Mr. Green was found near the road in a semi-conscious condition, having come in contact with a tree when he jumped. One of his ribs was broken and he is believed to be injured internally.

Everything possible was done to assist the injured people, temporary relief being administered by a physician summoned from the neighborhood. Dr. Barrow was telephoned for from Lexington.

Brought to Good Samaritan.

Immediately upon the arrival of the surgeon's party preparations were made to take the injured people to Lexington. The Good Samaritan Hospital was notified to prepare for them and the automobiles came back to Lexington as rapidly as possible.

Dr. Barrow, Mr. Breyfogle and Miss Boswell made the return trip in an automobile driven by Mr. Ward. The other men were brought here in the car in charge of Mr. Mohr. Mr. Green was unable to sit up and was brought in on an improvised cot. Before they were placed in the cars they were brought across the river by boat.

They were immediately taken to the Good Samaritan Hospital on arrival in Lexington, where their injuries were attended. They were treated in the operating rooms at the hospital, after which they were taken to the rooms which had previously been engaged for them.

The party in the automobile at the time of the accident are all prominent people.

Miss Boswell is the daughter of Mrs. Hart Boswell, of 423 Fayette Park, Lexington. Mrs. Boswell is the widow of the late Hart Boswell, one of the most prominent turfmen of this day.

JACKSON STORIES
HIGHLY COLOREDThreats to Blow Up Hargis Store Was
Made By the Deaton
Faction.

JACKSON, Ky., Jan. 4.—The disturbing forces having left town, Jackson has assumed a quiet aspect. Many of the reports published last week did not emanate from the local representatives of the press and were highly colored. The real facts are, as gathered from statements of citizens residing in the neighborhood of Crockettville, about as follows:

Several weeks ago, Green Callahan, who runs a grocery on Long's Creek, hauled two barrels of whisky to his place of business, presumably for the purpose of sale. His place of business is in local option territory.

A day or two later Govan Smith and one of his brothers took a wagon to Green Callahan's place of business and forcibly, as Green declares, loaded two barrels of whisky into their wagon and drove away.

Reported to Ed. Callahan.

Green reported this to his brother, former Sheriff Ed. Callahan, and on his advice went to Jackson and swore out warrants against the Smiths, charging them with robbery.

Several days later the Smiths, accompanied by half a dozen or more other men, rode to the residence of Ed. Callahan about dark and began shooting into his house.

Callahan returned the fire, shooting a young man by the name of Sebastian through the shoulder and killing a mule ridden by a young Deaton.

Later the Smiths and Deatons swore out warrants against Ed. Callahan and the rest of his supporters, charging them with malicious shooting. They were arrested on these warrants by Sheriff Breck Crawford last Wednesday and brought to Jackson.

Come to Aid Prosecution.

Immediately after their arrival the Deatons, Smiths and their supporters appeared in town armed and coming with the announced purpose of aiding in the prosecution of Callahan.

Many of the Deaton-Smith retainers were pronounced in their determination to kill Callahan, some of them declaring on the streets that he would not be permitted to get out of town alive. The fact of these threats was communicated to the former Sheriff.

The hotels refused to entertain Callahan, who became alarmed and took shelter in the Hargis store, where he had his meals sent to him. The other faction walked the streets singly and collectively, many of them uttering threats against their long-time enemy, whom they held responsible for the murder of their kinsman, Squire James Deaton, for whose murder Callahan was tried and acquitted five or six years ago.

The telephones were kept busy, and by Thursday noon the Deaton-Smith clan had mobilized a force of about seventy-five armed men, who took quarters at the residence of Bob Davidson, in the upper portion of town, known as the "Philippines."

The message over the phone calling for recruits carried with the request that every man "bring his guns."

Thursday afternoon Fletcher Deaton informed William Day, a brother of Mrs. Hargis, who was in charge of his sister's store, that if Callahan remained in the store over night it would be blown up with dynamite.

Day at once demanded of Callahan that he vacate, but he replied that he was afraid to go out of the door and declined to leave the building. That night twenty of Callahan's friends from the country rode into town and joined the Callahan forces.

Judge Taubee wired the Governor for troops, and none having arrived the Judge did not deem it wise to attempt to hold a trial. The situation became intense and many of the good citizens were alarmed at the prospect of a clash at arms which appeared imminent.

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Victims Are Prominent.

Miss Boswell has many friends—all of whom will regret to hear of the unfortunate accident.

Mr. Bellows, Mr. Green, Mr. Breyfogle and Mr. Kempt are all prominent Louisville society men. At an early hour today all were reported to be resting easy at the hospital.

MESSAGE ON THE
SECRET SERVICEPresident Replies to Congressional
Resolution—Says He Did Not
Hit at House.

Washington, Jan. 4.—In a special message to the house of representatives today President Roosevelt says: To the House of Representatives:

I have received the resolution of the house of representatives of Dec. 17, 1908, running as follows:

Whereas, There was contained in the sundry civil appropriation bill which passed congress at its last session and became a law a provision in reference to the employment of the secret service in the treasury department; and

Whereas, In the last annual message of the president of the United States to the two houses of congress it was stated in reference to that provision, "It is not too much to say that this amendment has been of benefit only and could be of benefit only to the criminal classes," and it was further stated, "The chief argument in favor of the provision was that the congressmen did not themselves wish to be investigated by secret service men," and it was further stated, "But if this is not considered desirable a special exception could be made in the law prohibiting the use of the secret service force in investigating members of congress." It would be far better to do this than to do what actually was done and strive to prevent or at least to hamper effective action against criminals by the executive branch of the government; and,

Whereas, The plain meaning of the above words is that the majority of the congressmen were in fear of being investigated by secret service men and that congress as a whole was actuated by that motive in enacting the provision in question; and,

Whereas, Your committee appointed to consider these statements of the president and to report to the house cannot find in the hearings before committees nor in the records of the house or senate any justification of this impeachment of the honor and integrity of the congress; and,

Whereas, Your committee would prefer in order to make an intelligent and comprehensive report, just to the president as well as to the congress, to have all the information which the president may have to communicate; now, therefore, Be it resolved, That the president be requested to transmit to the house any evidence upon which he based his statements that the "chief argument in favor of the provision was that the congressmen did not themselves wish to be investigated by secret service men" and also to transmit to the house any evidence connecting any member of the house of representatives of the Sixty-sixth congress with corrupt action in his official capacity and to inform the house whether he has instituted proceedings for the punishment of any such individual by the courts or has reported any such alleged delinquencies to the house of representatives.

"I Cannot Understand Resolution."

I am wholly at a loss to understand the concluding portion of the resolution. I have made no charges of corruption against congress nor against any member of the present house. If I had proof of such corruption affecting any member of the house in any matter as to which the federal government has jurisdiction, action would at once be brought, as was done in the cases of Senators Mitchell and Burton and Representatives Williamson, Herrmann and Driggs at different times since I have been president. This would simply be doing my duty in the execution and enforcement of the laws without respect to persons. But I do not regard it as within the province or the duties of the president to report to the house "alleged delinquencies" of members or the supposed "corrupt action" of a member "in his official capacity." The membership of the house is by the constitution placed within the power of the house alone. In the prosecution of criminals and the enforcement of the laws the president must resort to the courts of the United States.

Portion of Message Quoted.

In the third and fourth clauses of the preamble it is stated that the meaning of my words is that "the majority of the congressmen are in fear of being investigated by secret service men," and that "congress as a whole was actuated by that motive in enacting the provision in question," and that this is an impeachment of the honor and integrity of the congress. These statements are not, I think, in accordance with the facts. The portion of my message referred to runs as follows:

Last year an amendment was incorporated in the measure providing for the secret service which provided that there should be no detail from the secret service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only and could be of benefit only to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the government has to deal, both those operating in viola-

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RELIEF PROBLEM
IS TREMENDOUSGriscom Cables Root For Immediate
Assistance—Cannot Wait
For Fleet.

Washington, Jan. 4.—To assist the American people in their efforts to extend relief to the stricken Italian earthquake sufferers, Secretary Root has made public a cablegram received from Ambassador Griscom, presenting the first feasible plan of meeting the present great emergency. There is no time to spare in awaiting the arrival on the scene of distress of battleships now in the Suez canal or of naval supply ships crossing the Atlantic. The need for help is immediate, and how that help can be rendered is told in the cablegram, dated at Rome, which follows: "I have drawn on you for \$70,000 and paid equivalent to Italian Red Cross in two sums, \$50,000 from American Red Cross and \$20,000 from Christian Herald. I have seen president Italian Red Cross, who desires me to inform American Red Cross as follows:

"Problem of relief very vast. Includes feeding, clothing destitute on scene immediately, and quickly removing nearly whole surviving population from stricken district to other parts of Italy. Transportation involves special difficulties. Much money is needed, but if America desires to offer practical aid immediately, a ship could be chartered by telegraph at Marseilles or Genoa and loaded with blankets, clothing, linen, preserved meats, condensed milk, medical supplies and similar useful materials. One or more such ships under the direction of the Italian Red Cross would be useful as transports, and at the same time could deposit stores where needed along the coast. The Italian Red Cross has not yet clearly worked out how all the difficulties of relief are to be solved. Supplies are now needed in Sicily and Calabria, but in about two weeks, when the destitute have been removed, will be needed in Naples, Rome, Florence and other cities where the sufferers are being distributed."

"I will be personally glad to co-operate with our Red Cross to carry out any plans. There are many Americans in Rome anxious to assist in relief measures."

RED CROSS RESPONDS

Cables \$100,000 to Italy For Immediate
Relief Work.

Washington, Jan. 4.—In response to the suggestion of the Italian Red Cross society that a vessel might be loaded at Genoa with provisions and sent to the scene of the earthquake disaster, the American National Red Cross cabled \$100,000 with the suggestion that it could be used by the Italian Red Cross society to fit out a ship with provisions and medical supplies. This amount is in addition to the \$100,000 and the \$70,000 previously sent by the American Red Cross. By sending the money instead of undertaking to provide for the shipment of supplies the American Red Cross adopted what it regards as the best method of meeting the emergencies that face the Italian Red Cross. They believe that the Italian society would be able to make these arrangements more promptly than any one else.

In order that the American Red Cross society might have a personal representative on the scene of the earthquake, Vice Consul Bayard Cutting at Milan is now in the earthquake region, having been sent there by Ambassador Griscom.

A cablegram received from Consul Bishop at Palermo was the first information that has come directly from Mr. Bishop. It was sent from Palermo, Sicily, and besides confirming the previous information concerning the death of Mr. Cheney and wife it reiterates that Consul Lupton was unharmed, and adds that Lupton had sailed from Messina for a point unknown. A cable from Consul Crowninshield from Naples also states that he is informed that Lupton is safe.

Ryan Reaches Penitentiary.
Columbus, O., Jan. 4.—Michael Ryan, former deputy state fire marshal and prominent Republican party worker in Cleveland, became a convict in the Ohio penitentiary and is now working as a nurse in the prison hospital. He was taken to the penitentiary to serve a year for stuffing ballot boxes while acting as a primary election judge.

Killed in Runaway.
Millersburg, O., Jan. 4.—George Barnacle, a saloon keeper of Glenmont, was almost instantly killed at Killbuck by being thrown from his buggy in a runaway, striking his head on a curbstone, crushing his skull.

FRESH SHOCKS
DO BIG DAMAGEPopulation of Town Precipitated In-
to Sea—Looters Are Ag-
grieved.

Rome, Jan. 4.—Reports still reach here of the continuance of earthquake shocks, some of which are of sufficient force to do further great damage. According to these reports new shocks at Pellaro precipitated the entire population into the sea, including both the dead and living victims of the first quake.

At Reggio the people are becoming more calm, and aid to that city is now being systematically forwarded. Military zones have been established throughout Calabria.

Both at Messina and Reggio the guards are having difficulty in protecting the survivors and the vast treasure in the ruined buildings from the bands of thieves that are swarming everywhere. It is reported that six Russian sailors have been shot by looters at Messina and that 16 criminals have been killed at the same place within the last 24 hours. Six hundred persons engaged in pillaging have been arrested. In an engagement at Reggio between the police and bandits two of the police were killed.

Having done all that it was possible to do in the districts laid waste by the earthquake, the king and queen of Italy are returning to Rome. They have spent the last four days among the ruins of Sicily and Calabria, the king directing the work of rescue and relief and the queen ministering to the injured. There is a feeling of relief in Italy that their majesties are coming home.

The American ambassador, Lloyd C. Griscom, has appointed a committee of Americans to which will be entrusted the work of utilizing the money received from the United States to the best advantage of the earthquake sufferers.

CHARTERS STEAMER

Ambassador Griscom Will Hasten
Supplies to Sufferers.

Rome, Jan. 4.—The United States is far ahead of other nations in the relief work. Ambassador Griscom has succeeded in finding an Austrian Lloyd steamer of 3,000 tons, capable of carrying 1,200 passengers. He has chartered the steamer for two weeks, and it is being loaded with medical supplies and provisions. This will cost \$50,000. It is expected that the steamer will sail from Civita Vecchia, about 50 miles from Rome, on Thursday. It will be placed under the orders of the Italian government.

STROMBOLI UNEASY

Eruptions Are Accompanied by Rum-
blings and Earthquakes.

Rome, Jan. 4.—A violent earth shock, running north-southwest and east-northeast, lasting three seconds, and during which the Stromboli volcano began eruption, occurred on Stromboli island.

The phenomenon was accompanied by prolonged dull rumblings. The houses on the island were badly damaged and the populace fled to the streets in panic, but no one was hurt. The weather is intensely cold on Stromboli island.

Relate Terrible Experiences.

Naples, Jan. 4.—Harrowing episodes from Reggio continue to flow in. A girl, in a frantic effort to escape, attempted to leap over the railing of the balcony of her home. Her skirts caught on the ironwork and she hung there, swaying in the wind, for four days. A woman buried under the debris of her house, although slightly injured, was unable to move, while her husband and children, crushed on the floor above, slowly bled to death, their blood dropping on her breast and arms. She was finally taken out alive, but was demented, not even knowing her name.

Americans Reported Safe.

Malta, Jan. 4.—A dispatch from Messina says that Walter Kennedy and Charles Williams, Americans, who it was believed had perished in the catastrophe at Messina, are safe at Taormina.

Politician Must Go to Pen.

Mansfield, O., Jan. 4.—Hubert E. Bell, formerly postmaster of Mansfield, well known as a politician and horseman, was sentenced to two years in the penitentiary by Judge Mansfield, after having pleaded guilty to a charge of embezzlement.

Skater Drowns at Niles.

Niles, O., Jan. 4.—John Round, Jr., 17, was drowned in the Mahoning river while skating. He went down with four companions, all of whom, except him, succeeded in making shore after desperate struggles.